



TOWN OF WESTFORD
ANNUAL TOWN MEETING
MAY 7, 2005

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT**

Middlesex, ss.

To the Constable of the Town of Westford, in said County,

GREETINGS:

You are required in the name of the Commonwealth aforesaid, to notify and warn all inhabitants of said Town qualified to vote in elections, and also in Town affairs, at their several polling places, viz:

Precinct 1	Abbot School
Precinct 2	Blanchard Middle School
Precinct 3	Abbot School
Precinct 4	Robinson School
Precinct 5	Stony Brook Middle School
Precinct 6	Rita Edwards Miller School

Tuesday, May 3, 2005

Being the first Tuesday in said month, at 7:00 o'clock in the forenoon, for the following purposes:

To bring in their votes for the following officers:

FOR FIVE YEARS

One member of the Planning Board

FOR THREE YEARS

Two members of the Board of Health
Two members of the Board of Selectmen
Two members of the Library Trustees
Two members of the School Committee
Moderator

VACANCY

One member of the Housing Authority
One member of the Library Trustees
One member of the Planning Board



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BALLOT QUESTIONS

QUESTION 1

Shall the Town of Westford be allowed to assess an additional THREE MILLION DOLLARS (\$3,000,000) in real estate and personal property taxes for the purposes of funding the operational budgets of the Town and Public Schools for the Fiscal Year beginning July 1, 2005?

YES _____ NO _____

QUESTION 2

Shall the Town of Westford be allowed to assess an additional FIVE HUNDRED TWENTY-ONE THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$521,265) in real estate and personal property taxes for the following purposes:

Highway Vehicles	\$290,000
Hill Orchard Toilet and Septic System	\$40,000
Library Improvements	\$83,265
School Building Improvements	<u>\$108,000</u>
	\$521,265

for the Fiscal Year beginning July 1, 2005?

YES _____ NO _____

The polls will be open from 7:00 AM to 8:00 PM;

And to meet at the Abbot School Gymnasium at Depot Street on the following date:



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SATURDAY, MAY 7, 2005

At 10:00 o'clock in the forenoon, then and there to act upon the following Articles, Viz:

REPORTS

ARTICLE 1: Town Reports *Town Manager*

To hear the Reports of Town Officers, Boards, Committees for the calendar year 2004;

Or act in relation thereto.

FINANCIAL

ARTICLE 2: Property Tax Exemption *Board of Assessors*

To see if the Town will vote to accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988 by providing for additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or are disabled veterans, and to continue the present percentage increase of 100%;

Or act in relation thereto.

ARTICLE 3: Compensation Plan Amendment *Town Manager*

To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2005;

Or act in relation thereto.

ARTICLE 4: Fiscal Year 2006 Operating Budget *Town Manager*

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2005 through June 30, 2006, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or act in relation thereto.

ARTICLE 5: Increase Income And Assets *Board of Assessors*

To see if the Town will vote to accept the provisions of Chapter 59, Section 5 clause 41C further regulating certain Real Estate Tax Exemptions which would:

1. Retain qualifying age at 70



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2. Adjust income for a single person to \$20,000 from \$13,000 and adjust income for married couples to \$30,000 from \$15,000; and adjust assets for a single person to \$40,000 from \$28,000 and adjust assets for married couples to \$55,000 from \$30,000
3. The current statutory exemption in the amount of \$500 to remain unchanged;

Or act in relation thereto.

FISCAL YEAR 2005 TRANSACTIONS

ARTICLE 6: Fiscal Year 2005 Supplemental Appropriations *Town Manager*

To see if the Town will vote to appropriate various sums in order to supplement the operating budgets for the Fiscal Year ending June 30, 2005;

Or act in relation thereto.

ARTICLE 7: Fiscal Year 2005 Transfers *Town Manager*

To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2005;

Or act in relation thereto.

ARTICLE 8: Revolving Funds *Town Manager*

To see if the Town will vote to authorize revolving funds for the Fiscal Year July 1, 2005 - June 30, 2006, under the provisions of Chapter 44, Section 53 E ½ for the following:

Council on Aging-Adult Supportive Day Care Center
Recycling Commission
Recreation Commission-Programs
Recreation Commission-Field Maintenance
Cultural Council;

Or act in relation thereto.

ARTICLE 9: Highway Department Chapter 90 Funds *Town Manager*

To see if the Town will vote to appropriate a sum of money from the proceeds due the Town under the provisions of Chapter 90;

Or act in relation thereto.

ARTICLE 10: Community Funds Appropriation *Community Preservation Committee*

To see if the Town will vote pursuant to MGL Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, to



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appropriate from Community Preservation funds the sum of TWENTY NINE THOUSAND DOLLARS (\$29,000.00) or some other sum, as follows:

\$29,000.00 For site grading and soil *Affordable Housing*
stabilization at Residences at *Project*
Stony Brook Housing project.

Or act in relation thereto.

CAPITAL REQUESTS

ARTICLE 11: Capital Requests/Various Departments *Town Manager*
To see if the Town will vote to appropriate the sum of ONE MILLION FORTY SEVEN THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$1,047,125.00) or some other sum, by taxation, by transfer from available funds, by borrowing, or any combination thereof, to provide for the Town's capital requests.

Or act in relation thereto.

ARTICLE 12: Town Center Sewer Installation *Board of Selectmen*
To see if the Town will appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, to fund the Town Center sewer project.

Or act in relation thereto.

ARTICLE 13: Town Center Sewer Installation/Frost school *Board of Selectmen*
To see if the Town will appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, to fund the Septic System project at Frost School.

Or act in relation thereto.

LAND USE AND ZONING

ARTICLE 14: Zoning Board of Appeals Members *Board of Selectmen*
To see if the Town will vote to amend, pursuant to Massachusetts General Laws Chapter 40A, the Town of Westford Zoning Bylaw Section 9.2.1 so that the words "three (3)" are substituted for the words "two (2)" in the first clause of the first sentence therein.

Or act in relation thereto.

ARTICLE 15: Major Commercial and Major Retail Projects *Planning Board*
Definitions
To see if the Town will vote to amend, under Massachusetts General Laws Chapter 40A, the Westford Zoning Bylaw by making the following changes:

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1. In SECTION 10.2, GENERAL DEFINITIONS, definition of "Major Commercial Project," delete the text "More than 30,000 square feet of gross floor area" and replace said text with "15,000 square feet or more of gross floor area."
2. In SECTION 10.2, GENERAL DEFINITIONS, definition of "Major Retail Project," delete the text "More than 30,000 square feet of gross floor area" and replace said text with "15,000 square feet or more of gross floor area."

Or act in relation thereto.

ARTICLE 16: Special Permit Performance Standards *Planning Board*

To see if the Town, under Massachusetts General Laws Chapter 40A, will vote to amend the Westford Zoning by-law by adding the following new section 9.3a, entitled "Performance Standards for Major Commercial Projects and Major Retail Projects":

9.3A SPECIAL PERMIT PERFORMANCE STANDARDS FOR MAJOR COMMERCIAL PROJECTS AND MAJOR RETAIL PROJECTS

9.3A.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of Major Commercial Projects and Major Retail Projects which require a special permit for use from the Planning Board. The specific purposes of this Section are:

1. Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (i) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

2. Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (i) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

3. Landscaping and Screening. The proposed development shall maximize and retain open space, and shall be integrated into the natural landscape, shall minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas and shall minimize tree, vegetation, and soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.



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4. Stormwater Management. The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off, and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

5. Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

6. Pedestrian and Vehicular Access; Traffic Management. The proposed development and/or redevelopment shall be designed (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

7. Community Character. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

8. Utilities; Security; Emergency Systems. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

9. Fiscal Impact. The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

9.3A.2 Procedures; Rules and Regulations. Applicants for special permits for Major Commercial Projects or Major Retail Projects shall submit an application on a form prescribed by the Planning Board. The Planning Board may adopt rules and regulations for the administration of such special permits. The Planning Board may require the establishment of an escrow account, pursuant to



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Massachusetts General Laws Section 44, Section 53G, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, lighting engineers, fiscal analysts, and other professionals.

9.3A.4 Standards. The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

1. Lighting.

A. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

B. Light Trespass. Direct light from the light source is to be confined within the property boundaries.

C. Light Intensity. Outdoor lighting shall be of substantially minimum intensity needed at the particular time.

D. Illuminated Surfaces. Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The Planning Board may require an electrical configuration for parking lots which support shut off for specific unused areas to reduce the impact from lighting.

E. Searchlights. The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the Planning Board.

F. Indoor Lighting. Indoor light sources will not be projected outside in a manner to defeat the intent of this bylaw.

G. Sodium Vapor or Metal Halide Lighting. No outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be allowed unless specifically authorized by the Planning Board in the special permit.

H. Outdoor Signs. Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.

I. Flickering and Flashing Lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.



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J. Height of Fixtures.

(1) Wall Mounted Fixtures. Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade;

(2) Pole Mounted Fixtures. Pole mounted exterior lighting fixture types shall be mounted no higher than 18 feet above grade

K. Hours of Operation. Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises.

2. Noise

A. Hours of Operation. As a condition of any special permit, the Planning Board may incorporate the following conditions regarding hours of operation:

(1) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of eight post meridian (7:00 P.M.) and seven ante meridian (7:00 A.M.) across a real property boundary in any district established under the Zoning By-law.

(2) Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of eight post meridian (7:00 P.M.) and seven ante meridian (7:00 A.M.) on week days or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.

(3) The operation of construction devices between the hours of seven ante meridian (7:00 A.M.) and eight post meridian (7:00 P.M.) including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.

B. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level



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which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

3. Landscaping. To the extent these requirements exceed those set forth in Section 5.0 of this By-law, these requirements shall control:

A. Street Buffer Strip. Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.

B. District Buffer Strip. A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.

C. Large Parking Areas. Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary.

D. Fencing. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.

E. Retaining Walls. Retaining walls shall be constructed to a maximum height of four (4) feet. If site conditions require elevation



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changes of greater than four (4) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

F. Berms. The Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this section.

G. Unsightly Uses and Areas. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

H. Maintenance. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

4. Stormwater Management.

A. Consistency with the Massachusetts Stormwater Management Policy. All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.

B. Dry Wells. Dry wells shall be used only where other methods are infeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

C. Conservation Commission. Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.

D. Temporary Measures. During the construction phase, temporary diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as may be necessary may be required by the Board to intercept and divert surface water runoff.



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Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed according to BMPs, such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 3:1.

E. Erosion and Sedimentation Control. Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual. Topsoil and loam storage areas shall be subject to these standards.

(1) Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

(2) Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 3:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

(3) The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

(4) During construction, the applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

5. Site Development Standards.

A. Land Disturbance. Site/building design shall preserve natural topography reduce unnecessary land disturbance and to preserve natural drainage on the site.

B. Replication. Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

C. Clearing for Utility Trenching. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities



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installation should be utilized wherever feasible to protect root systems of trees.

D. Site Design.

(1) Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

(2) Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

(3) Sites shall be designed in such a way as to avoid unreasonable impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

E. Archeological or Historical Resources. The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

F. Preservation of Existing Vegetation. Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

(1) Understory vegetation beneath the dripline of preserved trees shall be retained in an undisturbed state.

(2) During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

G. Limit of Clearing. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

(1) In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of



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equipment/materials, such activities shall be limited to areas already planned for permanent structures.

(2) Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

H. Finished Grade. Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the Planning Board or its agent.

I. Phasing of Development. The Planning Board may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

J. Revegetation. Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

K. Topsoil. A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

L. Irrigation. The Planning Board may require that water for the purpose of irrigation shall be provided by an onsite well, after consultation with the Water Department.

M. Restoration. Following work on the site, all excavated areas shall be restored by grading to provide for drainage and for slopes not to exceed one foot vertical to three feet horizontal, and by covering with four inches of topsoil, and by planting with cover vegetation. The Planning Board may require a performance bond to be posted in an amount sufficient to ensure satisfactory completion of all of the requirements set forth above. The work shall be completed in its entirety prior to release of the bond.

6. Pedestrian and Vehicular Access; Traffic Management

A. Access. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an



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existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;

(1) Access via roadways abutting residential districts shall be avoided where possible.

(2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

(3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.

B. Driveways. Each development shall be served by an adequate driveway.

(1) The Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where a driveway is shared or the project has frontage on two separate streets.

(2) All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements shall be required on the public way for vehicular turning movements in or out of the site to ensure safe access to adjoining sidewalks, paths, walking trails or bikeways.

C. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement at the site. The number of curb cuts on state and local roads shall be minimized.

D. Interior Circulation. The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.

E. Transportation Plan Approval. The proposed development shall be subject to Transportation Plan approved by the Planning Board. The



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Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:

(1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(2) A traffic study, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

(4) For proposed development in excess of 25,000 gross square feet or a proposed development with more than 20 peak hour vehicle trips as determined by the town's traffic engineer, the applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:

a. Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuttle services for employees and other services as may be appropriate;

b. Employee carpools or vanpools sponsored by the employer or the TMA;

Current edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222



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c. Employers may be required to periodically provide employees with train schedules;

d. On-site shower facilities and/or bicycle racks for employees who do not drive to work;

e. Other techniques as may be deemed appropriate by the Planning Board or its traffic consultant.

F. Reduction in Parking. In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the Planning Board may reduce the number of required parking spaces below what would ordinarily be required by Section 5.1 of this bylaw. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

G. Level of Service Maintenance or Improvement.

The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:

1. For newly constructed floor area, LOS "D" or better
2. For all other projects subject to special permit– present LOS if present level of service is "D" or lower

where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

H. Dangerous Intersections. The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

I. Sight Distance. Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.



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J. Maximum Parking. The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning.

K. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

(1) All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.

(2) Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

(3) All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

(4) The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) Sidewalks, crosswalks, walkways, bikeways or other pedestrian access shall be provided to allow connections to existing crosswalks, walkways, bikeways, etc. on adjacent properties and between individual businesses within a development.

(6) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

L. Location of Parking Areas. Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses



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M. Parking in Required Front Setback. The Planning Board may prohibit parking within the required building front setback.

N. Traffic Calming Features. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

7. Community Character.

A. Compatibility with Neighborhood. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or potential development of abutting properties, with natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

(1) harmony in scale, bulk, massing, architectural character, building materials, placement and density;

(2) generation of traffic and the capacity of surrounding streets;

(3) consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.

8. Utilities; Security; Emergency Systems

Projects may not overburden town infrastructure services including water, gas, electricity and waste water systems. Buildings design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

A. Wastewater Treatment and Disposal. The Planning Board shall require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Westford Board of Health.

B. Water. There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow



characteristics off-site to fall below the standards adopted by the Town.

C. Site Security. There shall be a certification by the Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief.

D. Underground. All electrical, cable and telecommunications services shall be installed underground.

E. Fire Alarm System. There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief.

9. Fiscal Analysis.

A. Analysis. The applicant shall provide an analysis of fiscal costs from the development, including increases in marginal costs, assessment of the capacity of existing municipal facilities to serve the new development, and, by order of magnitude, share of capital costs if improvements are needed.

B. Schools and Housing. The applicant shall identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing.

9.3A.5 Exemptions. The following are exempt from these special permit standards:

A. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

9.3A.6 Waiver of Standards. The Planning Board may, in the course of granting a special permit for the project, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not undermine from the purposes of this section and the proposed development will serve the goals and objectives set forth in Section 9.3A.1,

9.3A.7 Mitigation: Conditions. During the public hearing, the applicant may propose specific design alternatives and/or off-site improvements to municipal facilities to meet the performance standards. Where such proposal is acceptable to the Planning Board, such design alternatives and improvements may be incorporated as a condition in the special permit, if granted. Where such mitigation is required, the Planning Board may impose reasonable conditions, including, but not limited to, the following:



A. Timing. The Planning Board may require that all improvements shall be completed prior to the issuance of either a building permit or a certificate of occupancy for the proposed development. The Planning Board may require that improvements associated with a phased development shall be completed for that phase prior to the issuance of either a building permit or a certificate of occupancy for such phase.

B. Cost of Improvements. The required design work and cost of construction and implementation of improvements required as a condition of a special permit shall be the full responsibility of the Applicant.

C. Cost of Review and Inspection. The cost of review of plans and the cost of periodic inspection of work during construction shall be the full responsibility of the Applicant and shall be charged in accordance with procedural requirements to be adopted and from time to time, as may be amended by the Planning Board.

D. Specifications. All work proposed to improve or upgrade Town utilities and services shall be done according to the specifications established by the Planning Board or the appropriate Town department or official.

E. Road and Intersection improvements. All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans, including but not limited to the Route 110 Master Plan and the Sidewalk Master Plan.

9.3A.8 Enforcement. The Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the Planning Board may require a monitoring program at the applicant's expense for compliance purposes for a time period as may be specified in the special permit.

Or act in relation thereto.

ARTICLE 17: Site Plan Approval Criteria

Planning Board

To see if the Town will vote to amend, under Massachusetts General Laws Chapter 40A, the Westford Zoning Bylaw by making the following changes

That the Town, under Massachusetts General Laws Chapter 40A, amend the Westford Zoning Bylaw by making the following changes:

In SECTION 9.4 SITE PLAN REVIEW, SUBSECTION 9.4.7 APPROVAL, add the following items following item 8, under the paragraph ending: "New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed



land use, the design of building form, grading, egress points, and other aspects of the development, so as to":

(9) Maintain an acceptable level of traffic service, volume and infrastructure which meets the goals of the Master Plan, the Traffic and Pedestrian Safety Manual, and Route 110 Master Plan, the Sidewalk Master Plan, and other Town adopted Master Plans.

(10) Encourage alternative methods of transporting people, through public transportation, car pools and van pools, bicycling and walking, rather than near exclusive reliance on single-occupant vehicles.

Or act in relation thereto.

ARTICLE 18: General Zoning Definitions

Planning Board

To see if the Town will vote to amend, under Massachusetts General Laws Chapter 40A, the Westford Zoning Bylaw by making the following changes:

In SECTION 10.2, GENERAL DEFINITIONS, add the following new definitions in alphabetical order:

Adequate sight distance: This term shall mean both adequate stopping sight distance and adequate intersection sight distance. Stopping sight distance (SSD) is the distance traveled that is directly related to vehicle speeds and the driver's ability to assess and react to a conflict in the roadway, and the ability to stop prior to reaching the conflict. Simply stated, SSD involves distance traveled due to perception and reaction time and braking distance. SSD is measured along the frontage roadway in relation to a proposed site driveway. The safety standard used for determining adequate SSD is the criteria cited in the AASHTO "Green Book2". This criteria is also adopted by MassHighway and noted in the MassHighway Design Manual This criteria *must* be satisfied to assure safety standards.

Ambient Noise Level: The all-encompassing noise level associated with a given environment, excluding any alleged condition of noise pollution.

Berm: A mound of earth. Such berm shall be used to shield, screen, and buffer undesirable views and to separate incompatible land uses. Berms may also be used to provide visual interest, decrease noise, control the direction of water flow, and act as dams. In traffic work, berm refers to the raised area between the curb line and right of way line.

Community Character: The image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

² A Policy on Geometric Design of Highways and Streets; American Association of State Highway and Transportation Officials; 2001



Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

dBA: Decibel is a unit of sound pressure level. The reference level is a sound pressure of twenty micro-newtons per square meter. Zero decibels, the starting point of the scale of noise level, is about the weakest sound that can be heard by someone with good hearing in an extremely quiet locations. The noise level in an average residence is about fifty decibels.

DEP: Department of Environmental Protection

Dry well: A covered pit with an open jointed lining through which water is piped or directed from roofs, basement floors, other impervious surfaces, or swales or pipes to seep or leech into the surrounding soil.

Flood Plain: The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by flood water.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Intersection sight distance (ISD) is the site triangle created with two vehicles approaching from intersecting streets, typically one from a proposed driveway. ISD is preferred to be satisfied, but under many situations, particularly in built-up areas, are often unable to be met due to physical obstructions and/or permanent structures. In rural areas, roadside vegetation, utility poles and trees of significant diameter often restrict ISD. The requirements for SSD are also outlined in AASHTO. This criteria is preferred to be satisfied.

Level of Service: A description of traffic conditions along a given roadway or at a particular intersection.

Mitigation: Methods used to alleviate or lessen the impact of development.

Rooftop Appurtenances: The visible, functional, or ornamental objects accessory to and part of the Rooftop.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Or act in relation thereto.

ARTICLE 19: 38 West Street Easement Relocation

Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 40, S.3 and any other authority to accept from Alton B. Newton and Joyce F. Newton of 38 West St., Westford, Massachusetts, their successors and assigns, a perpetual drainage easement over, under and upon the area of land at 38 West St. shown as "20' Drainage Easement" on a Plan entitled "36-38 West St. Westford, Massachusetts" dated November, 2004, prepared by Land Engineering Services, LLC, for the purpose of construction, improvement, maintenance and reconstruction of a drainage system and



for all other purposes commonly associated with storm water drainage easements in the Town of Westford; and to authorize the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 40, S.3 and any other authority, to abandon an existing drainage easement over, under and upon the area of land at 38 West St. shown as 10' "Drainage Easement" on a plan entitled "Plan of land in Westford, Mass" prepared by R.L.McGlinchey dated July 24, 1965.

Or act in relation thereto.

ARTICLE 20: Sewer Easement for Stony Brook Affordable Housing Project *Board of Selectmen*

To see if the Town will vote to authorize the BOARD OF SELECTMEN, pursuant to Massachusetts General Laws Chapter.40 §3 and any other authority, to grant an easement to Westford Housing Authority, a public body, politic and corporate, organized and existing pursuant to Massachusetts General Laws Chapter 121B, with a usual place of business at 65 Tadmuck Road, Westford, Massachusetts and their successor's and assigns, with Quitclaim Covenants, for the purpose of connecting its property at 14 Farmer Way, Westford, Massachusetts to, and using, the sewer line and sewage treatment plant located on the property of the Town located at 9 Farmer Way and within the right-of-way of Farmer Way, Westford, Massachusetts, as depicted on a plan entitled "Plan of Land Showing Utility Easement On Farmers Way Cul-De-Sac Town of Westford, Massachusetts", dated October 9, 2004, prepared by Westcott Site Services.

Or act in relation thereto.

ARTICLE 21: Drainage Easement for Stony Brook School *Permanent School Building Committee*

To see if the Town will vote to authorize the BOARD OF SELECTMEN, pursuant to Mass. Gen. Laws c.40 §3 and any other authority, to accept from Westford Housing Authority, a public body, politic and corporate, organized and existing pursuant to Massachusetts General Laws C. 121B; of 65 Tadmuck Road, Westford, Middlesex County, Massachusetts (The Grantee), their successor's and assigns, a perpetual drainage easement over, under and upon the area of land containing 18,557 sq. ft. on said Lot 4 shown on a plan entitled "Easement Plan, Stony Brook School; Westford, MA; prepared for Town of Westford, 55 Main Street; Westford, MA, 01886; Landtech Consultants, Inc." dated January 29, 2004, and their successors' and assigns, for the purpose of construction, improvement, maintenance and reconstruction of a drainage system and for all other purposes commonly associated with storm water drainage easements in the Town of Westford;

Or act in relation thereto.



ARTICLE 22: Drainage Easements at Chestnut Hill

Board of Selectmen

To see if the Town will vote to authorize the BOARD OF SELECTMEN, pursuant to Mass. Gen. Laws c.40 §3 and any other authority, to accept the following drainage easements, for the purpose of making inspections of and undertaking emergency repair and maintenance work to the Foundation Drains owned by the Grantors and installed within the Drainage Easement, said easements to include indemnification from the Grantors to the Town for the cost of emergency repairs and a general release from liability:

- (i) From Michael and Joan O'Hare of 7 Swedes Crossing, Westford, Massachusetts (The Grantors), their successor's and assigns, a 15 feet wide perpetual drainage easement over, under and upon the area of land on Lot 8 shown on a plan entitled "Sketch Plan of Land in Westford, MA Showing Proposed 15 feet wide foundation Drain Easement 7 Swedes Crossing", prepared by Zanca Land Surveying, dated August 17, 2004.
- (ii) From James and Catherine Hotch, of 3 Tavern Circle, Westford, Massachusetts (The Grantors), their successor's and assigns, a 15 feet wide perpetual drainage easement over, under and upon the area of land on Lot 21 shown on a plan entitled "Sketch Plan of Land in Westford, MA Showing Proposed 15 feet wide foundation Drain Easement 3 Tavern Circle", prepared by Zanca Land Surveying, dated August 17, 2004.
- (iii) From Vinod and Mary Anne Seraphin, of 12 Swedes Crossing, Westford, Massachusetts (The Grantors), their successor's and assigns, a 15 feet wide perpetual drainage easement over, under and upon the area of land on Lot 22 shown on a plan entitled "Sketch Plan of Land in Westford, MA Showing Proposed 15 feet wide foundation Drain Easement 12 Swedes Crossing", prepared by Zanca Land Surveying, dated August 17, 2004.
- (iv) From Edward and Karen Thomas, of 18 Swedes Crossing, Westford, Massachusetts (The Grantors), their successor's and assigns, a 15 feet wide perpetual drainage easement over, under and upon the area of land on Lot 24 shown on a plan entitled "Sketch Plan of Land in Westford, MA Showing Proposed 15 feet wide foundation Drain Easement 18 Swedes Crossing", prepared by Zanca Land Surveying, dated August 17, 2004.
- (v) From Reginald and Carol Tucker, of 20 Swedes Crossing, Westford, Massachusetts (The Grantors), their successor's and assigns, a 15 feet wide perpetual drainage easement over, under and upon the area of land on Lot 25 shown on a plan entitled "Sketch Plan of Land in Westford, MA Showing Proposed 15 feet wide foundation Drain Easement 20 Swedes Crossing", prepared by Zanca Land Surveying, dated August 17, 2004.

Or act in relation thereto.

**ARTICLE 23: Abbot Mill: Easements on Pleasant Street
and Bradford Street**

Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. ch. 40 § 3, to grant a non-exclusive easement to Abbot Mill, LLC, a Massachusetts limited liability company, and its successors and assigns, over portions of Pleasant Street and of Bradford Street, as shown on that certain plan of land entitled "Easement Plan Abbot Mill Pleasant and Bradford Streets Westford, Massachusetts" dated April 5, 2005, for the purpose of locating, relocating, erecting, constructing, reconstructing, installing, operations, maintaining, patrolling, inspecting, repairing, replacing, altering, extending and/or or removing one or more overhead and/or underground telecommunication cables and lines for communication and/or electricity, water, sewer, and other customary utilities, and any necessary transformers, manholes, handholes, equipment, poles, wires, anchors, guys, braces, conduits, pipes, appurtenances and attachments incidental thereto, upon such terms and conditions as the Board of Selectmen deem appropriate;

Or act in relation thereto.

WETLAND BYLAW AMENDMENTS

ARTICLE 24: Septic System/Sewage System /Disposal System Installation *Conservation Commission*

To see if the Town will vote to amend its nonzoning wetlands bylaw (Chapter 171, Code of the Town of Westford) as follows: Amend Section 171-2.B. (Use Prohibitions) by deleting the first sentence as it currently reads and replacing it with the following:

"B. Use prohibitions. Within the protected 100 feet to the wetlands (hereinafter "buffer zone") and within the wetlands specified in §171-2.A, the Conservation Commission shall prohibit the following uses.";

And amend Section 171-2.B.(1) (under Use Prohibitions) by deleting it as it currently reads and replacing it with the following:

(1) Except as provided below, no septic system or other sewage disposal system, or any component of any septic system or sewage disposal system, shall be installed in wetlands or within the buffer zone to any wetlands (for the purpose of this section, "septic system or other sewage disposal system" shall mean all components thereof, including but not limited to leaching fields; septic tanks; distribution boxes; pump chambers; any and all connecting pipes between the structure, tank, and leaching field; sewer mains; collector lines; pump stations; tanks; manholes; and any other system components). Provided, however, that the following limited installations and uses may be permitted:

(a) A septic system or other sewage disposal system, or components thereof, located within a buffer zone serving a structure existing prior to May 7, 1994, may be replaced within the buffer zone, provided that there is no other feasible alternate location; the capacity of the existing septic system or other sewage disposal system, as shown in the Board of Health records, is not increased; and the proposed new septic system or other



sewage disposal system is designed and located to achieve maximum environmental protection.

(b) Where an existing structure or structures on a property is proposed to be razed and replaced with a new structure or structures or to be remodeled, including enlargement of the structure, the Conservation Commission may allow the installation of a septic system or other sewage disposal system, or components thereof, within a buffer zone or connecting lines or pipes in a wetland if the Conservation Commission finds that the applicant provided sufficient information from a competent source to clearly demonstrate, based upon existing site conditions, the nature of the proposed septic system or other sewage disposal system or components thereof, and special design measures, that the proposed septic system or other sewage disposal system or components thereof shall provide significantly better environmental protection than provided by the existing septic system or other sewage disposal system.

(c) Further, the foregoing Section 171-2.B(1) shall not be construed to prohibit the installation of sewer mains, collector lines, pump stations, tanks, manholes or other components of any waste water treatment facility approved by the Massachusetts Department of Environmental Protection Bureau of Resource Protection pursuant to 314 CMR 5.00 when said installation is to occur in relation to a parcel or contiguous parcels under the same ownership as of November 1, 2000 which have a waste water treatment facility approved by the Massachusetts Department of Environmental Protection Bureau of Resource Protection pursuant to 314 CMR 5.00 with adequate existing capacity as determined by said Bureau of Resource Protection, and in existence as of November 1, 2000, and where DEP Bureau of Resource Protection has previously mandated that any new construction on the parcel or parcels must be connected to the existing waste water treatment facility, and it is necessary to cross through a Buffer Zone with an approved connection whose sole purpose is to connect from existing or proposed structures to the existing waste water treatment facility and where said installation in the Buffer Zone is to be located in a previously disturbed area within an existing Town maintained Right of Way.

(d) Provided further that the foregoing Section 171-2.B(1) shall not be construed to prohibit the installation of sewer mains, collector lines, pump stations, tanks, manholes or other components of any existing waste water treatment facility approved by the Massachusetts Department of Environmental Protection Bureau of Resource Protection pursuant to 314 CMR 5.00, whether or not said facility is located in another Town when:

- a. said installation is to occur solely in relation to a parcel or contiguous parcels in Westford that have been continuously used for school purposes for no less than five years prior to said installation; and
- b. the existing wastewater treatment facility has adequate existing capacity as determined by the Bureau of Resource Protection to service the needs of the school to which it is connected; and



- c. it is necessary to cross through a Buffer Zone with an approved connection whose sole purpose is to connect the school structure(s) to the existing waste water treatment facility and where said installation in the Buffer Zone is to be located in a previously disturbed area within an existing Town maintained Right of Way or State Highway.”;

Or act in relation thereto.

ARTICLE 25: Extension of Permits *Conservation Commission*

To see if the Town will vote to amend its nonzoning wetlands bylaw (Chapter 171, Code of the Town of Westford) as follows: Amend Section 171-7.C. Issuance or denial of permit; renewals; revocation by deleting the last sentence of said Section and replacing it with the following:

“The Commission may, at its discretion, extend any permit for one or more periods of up to three (3) years each.”;

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 26: Right To Farm Bylaw *Conservation Commission*

To see if the Town will vote to amend its General Bylaws by adding the following Right to Farm Bylaw:

RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Westford restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, (“Home Rule Amendment”).

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Westford by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.



The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.
- "Farming" shall encompass activities including, but not limited to, the following:
 - operation and transportation of slow-moving farm equipment over roads within the Town;
 - control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
 - application of manure, fertilizers and pesticides;
 - conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
 - processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
 - maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
 - on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Westford. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.



Section 4 Public Notification

The Town shall use available media as appropriate to notify and educate the public regarding its commitment to encouraging 1) the pursuit of agriculture, 2) the promotion of agriculture-based economic opportunities, and 3) protection of farmlands within the Town of Westford by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. Should the Town establish an Agricultural Commission, this shall be one of its ongoing tasks.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Westford hereby declares the provisions of this By-law to be severable;

Or act in relation thereto.

GENERAL TOWN GOVERNMENT

ARTICLE 27: Establishing an Affordable Housing Trust Fund

Board of Selectmen

To see if the Town will vote to accept Massachusetts General Laws Chapter 44 Section 55C establishing a municipal affordable housing trust fund and, pursuant to said statute, to establish the Westford Affordable Housing Trust Fund for the purpose of providing for the creation and preservation of affordable housing, with a board of five trustees appointed by the board of selectmen, pursuant to the statute, and having the powers set forth in Section C(1) through Section C(16) of the statute;

Or take any action related thereto.



ARTICLE 28: Creation of an Agricultural Commission *Conservation Commission*

To see if the Town will vote to establish an Agricultural Commission to represent the Westford farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the town, shall promote agricultural-based economic opportunities, shall assist in resolving conflicts involving agriculture, and shall participate in educating the community on the benefits of local agriculture. For the purposes of this by-law, farming will include commercial enterprises involving food production, livestock (including horses), plant and nursery stock, forestry, and agricultural activities directly related to those activities such as beekeeping.

The Commission will consist of three members from the active farming community of Westford, and two who are interested in agriculture but are not necessarily commercial farmers, appointed by the Board of Selectmen. Three members shall serve for a term of three years; two members for a term of two years, and three years thereafter. Up to three alternates may also be appointed by the Board of Selectmen; each for one-year terms;

Or act in relation thereto.

ARTICLE 29: Creation of a Sewer District: Town Center *Board of Selectmen*

To see if the Town will vote to create a Town Center Sewer District to serve only Town buildings;

Or act in relation thereto.



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And you are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this _____ day of _____ in the Year of our Lord 2005.

Robert Jefferies, Chair

Geraldine Healy-Coffin, Vice-Chair

James G. Silva, Clerk

Allan Loiselle

Christopher A. Romeo

**A TRUE COPY
ATTEST:**

Constable of Westford

DATE:

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF AT THE TOWN HALL, LIBRARY AND AT EACH POST OFFICE IN THE SAID TOWN OF WESTFORD AT LEAST FOURTEEN DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.